

REMARKS

Reconsideration and allowance of this application, as amended, is respectfully requested.

This Amendment is in response to the Office Action dated November 17, 2004. By the present Amendment, the abstract has been amended to eliminate the use of the word "means" and to come within the maximum 150 word limitation of 37 CFR 1.72. In addition, the drawings have been amended to label Figs. 1 and 2 as prior art, as requested on page 2 of the Office Action, and to correct the labeling of the element 136 in Fig. 1. With regard to this, as noted in the "Amendments to the Drawings" section, it is Applicants' understanding that the objection set forth on page 3, lines 1 and 2, was actually directed to the element 136, rather than the element 130. If this is not the case, it is requested that the Examiner contact the undersigned attorney to resolve this matter by way of a telephone interview.

In addition to the above amendments, the claims have been amended to adopt the suggestions set forth at the bottom of page 3 of the Office Action. Accordingly, removal of the claim objections set forth on page 3 is respectfully requested.

Finally, reconsideration and removal of the 35 U.S.C. § 112, second paragraph, rejection of claims 1-18 set forth on page 4 of the Office Action is also respectfully requested. By the present Amendment, each of the independent claims 1, 7, 10 and 16 has been amended to delete the phrase "and passed through the FP filter." With regard to this, it is noted that the FP filter being referred to was, in fact, the tunable FP filter of the tunable light generator, not the Ethalon filter of the wavelength compensation means. In other words, the reference to the FP filter was

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawing include changes to Figs. 1 and 2. These sheets, which include Figs. 1 and 2, replace the original sheets including Figs. 1 and 2. Both Figs. 1 and 2 have now been labeled as Prior Art, as required in the Office Action. Also, Fig. 1 has been amended to correct the labeling of Box 136 to indicate that this is a photo diode (PD) corresponding, for example, to the identification of the element 136 as a Photo Diode (PD) on page 2, line 19 of the specification. It is assumed that this is the element which was actually intended by the Office Action statement "the drawings are objected to because the element "EP" 130 in Fig. 1 should be changed to "PD."" With regard to this, it does not appear that there is actually any element labeled "EP" 130 in Fig. 1. Accordingly, it is Applicants' understanding that the element 136, previously labeled "FP" is what was actually intended on page 3, lines 1 and 2 of the Office Action.

intended to refer to the "tunable light generator" which immediately preceded it in these claims, as opposed to the "wavelength compensation means" defined in the overall paragraph. In any event, to avoid any confusion, this has been simply removed from these claims, noting that it was unnecessary in any event since the tunable light generator has already been defined as containing the tunable FP filter. It is also noted that the fact that the wavelength compensation means includes an Ethalon filter has been set forth in various dependent claims. Accordingly, based upon this Amendment, reconsideration and removal of the 35 U.S.C. § 112, second paragraph, rejection is earnestly solicited.

Applicants and the undersigned attorney greatly appreciate the indication of the allowable subject matter in claims 1-18, as set forth on page 5 of the Office Action. In light of the amendments made herein, it is respectfully submitted that all of the issued set forth in the Office Action have now been addressed, and entry of these amendments and allowance of this application, as amended, is respectfully requested.

If the Examiner believes that there are any other points which may be clarified or otherwise disposed of either by telephone discussion or by personal interview, the Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Antonelli, Terry, Stout & Kraus,


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LLP Deposit Account No. 01-2135 (Docket No. 967.43262X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

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APPENDIX A

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APPENDIX B

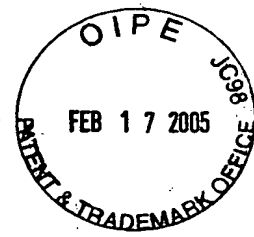
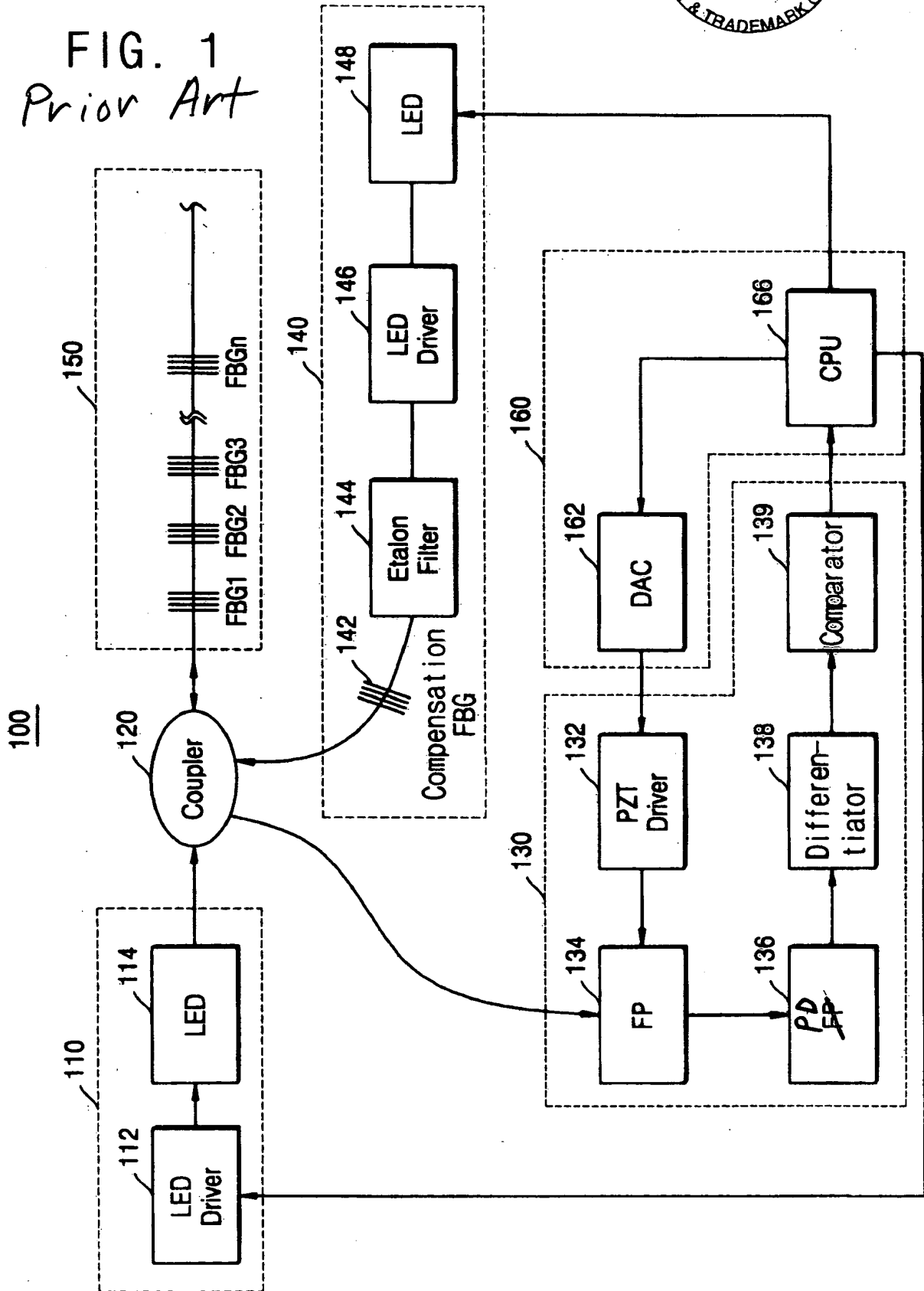


FIG. 1
 Prior Art



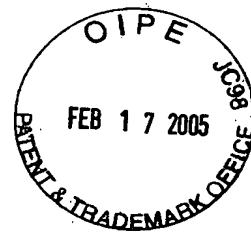


FIG. 2
Prior Art

